

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LOGIC TECHNOLOGY DEVELOPMENT LLC and
JAPAN TOBACCO INTERNATIONAL U.S.A., INC.,
Petitioner,

v.

SHENZHEN HAPPY VAPING TECHNOLOGY LIMITED,
Patent Owner.

IPR2024-00055
Patent 9,924,744 B2

Before MICHAEL R. ZECHER, JUSTIN T. ARBES, and
MICHAEL J. STRAUSS, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

I. DISCUSSION

With our authorization, Petitioner, Logic Technology Development LLC and Japan Tobacco International U.S.A., Inc. (collectively, “Logic”), and Patent Owner, Shenzhen Happy Vaping Technology Limited (“Shenzhen”), jointly filed the following two documents: (1) a Joint Motion to Terminate Proceeding (Paper 10, “Mot.”); and (2) a true copy of the parties’ settlement agreement (Ex. 1022).¹ For the following reasons, we *grant* the parties’ Joint Motion to Terminate Proceeding.

This proceeding is still in its preliminary stage. Logic filed a Petition requesting an *inter partes* review (“IPR”) of claims 1, 2, and 5 of U.S. Patent No. 9,924,744 B2. Paper 1. Although Shenzhen filed a Patent Owner Preliminary Response (Paper 9), we have not entered a decision whether to institute an IPR.

In the Joint Motion to Terminate Proceeding, the parties indicate that they have “entered a Settlement Agreement (Exhibit 1022) [executed] on February 18, 2024, and [they] filed a Stipulated Notice of Voluntary Dismissal (Exhibit 1023) for the [district court case in the U.S. District Court for the Southern District of Florida] on February 19, 2024.” Mot. 1. The parties represent that “[t]here are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the [IPR].” *Id.* The parties also represent that, on February 21, 2024, the district court has “entered an Order dismissing all claims . . . with prejudice and closing the case.” *Id.*

¹ In an email exchange dated February 23, 2024, the parties confirmed that they do not wish to have the settlement agreement treated as business confidential information. Ex. 3001.

Under these particular circumstances, we determine that it is appropriate to dismiss the Petition without rendering any further decisions, thereby terminating this proceeding. *See* 37 C.F.R. § 42.71(a).

II. ORDER

In consideration of the foregoing, it is ORDERED that the parties' Joint Motion to Terminate Proceeding is *granted*, and the Petition is dismissed resulting in termination of this proceeding.

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